

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

PORT HAMILTON REFINING AND
TRANSPORTATION, LLLP,

PLAINTIFF,

V.

LIMETREE BAY TERMINALS, LLC,

DEFENDANT.

CASE NO. 1:24-CV-00004

[PROPOSED] ORDER ON PORT HAMILTON’S MOTION TO DISMISS COUNTERCLAIM

This matter is before the Court on Port Hamilton Refining and Transportation, LLC’s (“Port Hamilton”) motion to dismiss Limetree Bay Terminals, LLC d/b/a Ocean Point Terminals (“Ocean Point”) counterclaim under Fed. R. Civ. P. 12(b)(6) because Ocean Point fails to plausibly state a claim upon which relief can be granted and because it lacks standing to sue Port Hamilton under the Asset Purchase Agreement described in the counterclaim. The premises considered, the Court finds that the counterclaim does not comport with Fed. R. Civ. P. 8(a)(2) as interpreted by *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). Accordingly, it is **ORDERED** that the motion to dismiss is **GRANTED** and the counterclaim is dismissed.

U.S. District Judge